

# Kill the death penalty

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The following editorial appeared in the Philadelphia Inquirer on Monday, Dec. 6:

The wrongful execution of a man in Texas is just the latest case that argues against the use of the death penalty.

Claude Howard Jones was executed in December 2000 after being convicted of murdering a liquor store clerk during a robbery.

Prosecutors argued that Jones shot the clerk using a gun owned by Timothy Jordan, while a third man waited in a pickup truck. Jordan testified against Jones and received a reduced sentence.

The other key evidence used at trial to convict Jones involved hair samples collected by police at the crime scene.

A chemist from the Texas Department of Public Safety testified that the hair fragments could have belonged to Jones. A sample of Jordan's hair was never tested.

Jones, who always maintained his innocence, appealed his conviction. The appeals court ruled 3-2 to uphold the conviction. The majority cited the hair sample as critical evidence, while the dissenting judges said there was insufficient evidence to justify a murder conviction.

Four years after Jones was executed, Jordan recanted his testimony and said he testified in order to receive a reduced sentence.

Last month, DNA testing of the hair from the crime scene showed that it did not belong to Jones. A report last year by the National Academy of Sciences raised questions about the reliability of the type of hair analysis used to convict Jones.

Without the physical evidence, the only thing prosecutors had going for them at trial was the testimony of the co-defendant Jordan. Texas law says such testimony is insufficient to prove guilt.

In the end, Jones was convicted and put to death based on faulty evidence. That is the worst possible miscarriage of justice.

Opinions have long differed as to whether the death penalty is a deterrent. Many are also divided as to the morality of capital punishment, and the cost of keeping inmates on death row. But beyond those issues is the more troubling possibility of executing the wrong person.

The increased use of DNA evidence has proven beyond any doubt that defendants routinely get convicted for crimes they did not commit. Hundreds of inmates have been released after the truth was finally revealed, including several who were on death row.

The wrongful convictions often involve any or all of the following factors: faulty eyewitness testimony; sloppy police work; police or prosecutorial misconduct; and incompetent defense attorneys.

Scores of countries have eliminated the death penalty. The United States is among only a handful of developed nations that still execute convicted defendants.

New Jersey and several other states have wisely done away with the death penalty. Others should do the same.

Just knowing that the wrong person can be, and has been, executed is more than enough reason to eliminate the death penalty.

Read more: <http://www.tri-cityherald.com/2010/12/07/1281899/kill-the-death-penalty.html#ixzz17SYUPZDG>